



recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b).

Based on his review of the record, the Magistrate Judge has recommended that the action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Petitioner failed to respond to Respondents' motion for summary judgment. The Magistrate Judge further recommended in the alternative that Respondents' motion for summary judgment be granted as the petition is barred by the statute of limitations. The Magistrate Judge advised Petitioner of his right to file objections to the Report and Recommendation and the consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the motion, and the Report and Recommendation of the Magistrate Judge, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Respondents' motion for summary judgment is granted and the Petition is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
August 17, 2005

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